



Transparency of the Texas Department of Criminal Justice Parole Division Alternate Housing Facility Program

Current Law

State law authorizes the board of the Texas Department of Criminal Justice (TDCJ) to contract for the temporary or permanent housing of inmates for public or private jails or operators of alternative housing facilities. There is no statutory requirement to notify a county or municipality about these facilities or their location.

Problem

In March 2017, a fire in a boarding home and a fire in an unlicensed lodging facility resulted in three deaths and the emergency evacuation of 29 elderly and disabled residents. The Mayor formed an internal working group of City departments to review and revise relevant ordinances. The task force identified three types of group homes — 1) boarding homes, 2) lodging facilities, and 3) correctional and alternate housing facilities — needing stronger building safety regulations because no other regulatory body at the state or federal level governed the facility safety issues. During the task force review, alternate housing facilities were found to be approved by TDCJ in higher numbers in Houston than any other city in Texas. At the time of the ordinance approval, Houston had 99 approved alternate housing facilities within the corporate limits whereas Austin had 31, Dallas - 27 and Fort Worth - 12. Local governments have no role in the approval of these facilities and can only obtain location and occupancy data through a cumbersome TPIA process. In the absence of zoning, these facilities have a greater ability to locate throughout Houston neighborhoods. Without knowledge of these approved facilities and parolee placement, City officials are unable to follow up on complaints from citizens regarding overcrowded or nuisance locations that may be housing parolees. Building safety for those living in and around these facilities is paramount and warrants a change in state law to allow easier access to information from the State rather than the cumbersome TPIA process.

Proposed Legislative Change

In the interest of intergovernmental transparency, amend Texas Government Code Section 493.010 to:

1. Require any alternate housing facility applicant seeking approval from TDCJ to present proof of permit or other documentation showing approval of the proposed location by the governing body of the city or county in which the facility will be located prior to TDCJ board approval.
2. Require the TDCJ board to instruct the pardons and paroles division to provide certain information no later than the 10th calendar day of each month to those municipalities and counties seeking such information. The information must be delivered via secure electronic mail and in machine readable format. This would only be done after the initial request is submitted by the municipality or county.